

April 5, 1995

ECONOMIC DEVELOPMENT — S.B. 707, C.S.S.B. 921, S.B. 1150, C.S.S.B. 415, S.B. 341 (Amended), S.B. 872 (Amended), C.S.S.B. 132

ADMINISTRATION — S.B. 792

CRIMINAL JUSTICE — C.S.H.B. 1409, S.B. 342, C.S.S.B. 918, S.B. 1060, C.S.S.B. 254, S.B. 886, C.S.S.J.R. 43, S.B. 294, S.B. 1379 (Amended), C.S.S.B. 440, S.B. 1349, S.J.R. 15

ADMINISTRATION — H.B. 1527

NATURAL RESOURCES — C.S.S.B. 525, C.S.S.B. 590, S.B. 1028, S.B. 1438, S.B. 1016, C.S.S.B. 1017, C.S.S.B. 741

HEALTH AND HUMAN SERVICES — H.B. 988 (Amended), H.B. 721, C.S.S.B. 513, S.B. 660, S.B. 570, C.S.S.B. 799

FORTY-SEVENTH DAY

(Continued)
(Thursday, April 6, 1995)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Harris.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 821

Senator Madla submitted the following Conference Committee Report:

Austin, Texas
April 5, 1995

Honorable Bob Bullock
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 821 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MADLA
NELSON
WENTWORTH

On the part of the Senate

GALLEGO
DE LA GARZA
COLEMAN
HEFLIN
CRADDICK
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the imposition by certain counties of a sales and use tax dedicated to operating a landfill and a criminal detention center.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 3, Tax Code, is amended by adding Chapter 325 to read as follows:

CHAPTER 325. COUNTY SALES AND USE TAX FOR
LANDFILL AND CRIMINAL DETENTION CENTER
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 325.001. COUNTY SALES AND USE TAX ACT APPLICABLE. Except to the extent that a provision of this chapter applies, Chapter 323 applies to the tax authorized by this chapter in the same manner as that chapter applies to the tax authorized by that chapter.

[Sections 325.002 to 325.020 reserved for expansion]

SUBCHAPTER B. IMPOSITION OF TAX

Sec. 325.021. TAX AUTHORIZED. (a) A county having a population of 37,500 or less that borders the Rio Grande containing a municipality with a population of more than 15,000 may adopt or abolish the sales and use tax authorized by this chapter at an election held in the county.

(b) A county may not adopt a tax under this chapter if as a result of the adoption of the tax the combined rate of all sales and use taxes imposed by the county and other political subdivisions of this state having territory in the county would exceed two percent at any location in the county.

(c) If the voters of a county approve the adoption of the tax at an election held on the same election date on which another political subdivision adopts a sales and use tax or approves the increase in the rate of its sales and use tax and as a result the combined rate of all sales and use taxes imposed by the county and other political subdivisions of this state having territory in the county would exceed two percent at any location in the county, the election to adopt a sales and use tax under this chapter has no effect.

(d) That portion of the tax collected under this chapter necessary for the operation of the landfill is dedicated solely to that purpose.

(e) That portion of the tax collected under this chapter necessary for debt services for criminal detention center bonds is dedicated solely to that purpose.

(f) Any tax collected under this chapter not dedicated under Subsection (d) or (e) of this section shall be used for ad valorem reduction.

(g) The dedication established under subsection (d) of this section expires when the landfill is sold or closed. The dedication established under Subsection (e) expires when the criminal detention center bonds are retired.

(h) If the commissioners court adopts an order finding that the purposes for which the dedications made under Subsections (d) and (e) have been accomplished the tax authorized by this chapter is abolished.

Sec. 325.022. TAX RATE. The rate of the tax authorized by this chapter is one-half percent.

Sec. 325.023. SALES AND USE TAX EFFECTIVE DATE. (a) The adoption or abolition of the tax takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives a notice of the results of the election.

(b) If the comptroller determines that an effective date provided by Subsection (a) will occur before the comptroller can reasonably take the action required to begin collecting the tax or to implement the abolition of the tax, the effective date may be extended by the comptroller until the first day of the next succeeding calendar quarter.

[Sections 325.024 to 325.060 reserved for expansion]

SUBCHAPTER C. TAX ELECTION PROCEDURES

Sec. 325.061. ELECTION PROCEDURE. (a) An election to adopt or abolish the tax authorized by this chapter is called by the adoption of an order by the commissioners court of the county. The commissioners court shall call an election if a number of qualified voters of the county equal to at least five percent of the number of registered voters in the county petition the commissioners court to call the election.

(b) At an election to adopt the tax, the ballot shall be prepared to permit voting for or against the proposition: "The adoption of a local sales and use tax in (name of county) at the rate of one-half percent to provide revenue for the operation of a county landfill and a criminal detention center."

(c) At an election to abolish the tax, the ballot shall be prepared to permit voting for or against the proposition: "The abolition of the sales and use tax for the operation of a county landfill and a criminal detention center in (name of county)."

[Sections 325.062 to 325.080 reserved for expansion]

SUBCHAPTER D. USE OF TAX REVENUE

Sec. 325.081. USE OF TAX REVENUE. Revenue from the tax imposed under this chapter may be used only to build, operate, or maintain a landfill and a criminal detention center in the county.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was filed with the Secretary of the Senate.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer, Senator Harris in Chair, announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed (vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill):

H.B. 655 (Moncrief on behalf of Harris) Relating to the recodification of statutes relating to parents and children and suits affecting the parent-child relationship. (30-0) (30-0)

S.C.R. 20 (Moncrief on behalf of Harris) Requesting the comptroller of public accounts to conduct a performance review to determine if state agencies that provide services to children should be combined or overseen by a single board or agency. (vv)

C.S.S.B. 74 (Patterson) Relating to the authority of a county to regulate dangerous structures; providing a penalty. (30-0) (30-0)

S.B. 161 (Moncrief) Relating to adoption services. (30-0) (30-0)

S.B. 538 (Moncrief on behalf of Harris) Relating to the right of a holder or employee of a holder of an alcoholic beverage license or permit to possess a firearm on the licensed or permitted premises. (30-0) (30-0)

C.S.S.B. 680 (Shapiro) Relating to the cancellation of and to the filing of a declaration of write-in candidacy in, certain elections. (30-0) (30-0)

S.B. 773 (Moncrief) Relating to abandoned personal property at private institutions of higher education. (30-0) (30-0)

S.B. 786 (Ellis) Relating to the student fee for the university center at the University of Houston. (30-0) (30-0)

S.B. 855 (Patterson) Relating to providing a deferred retirement option to members of firemen's relief and retirement funds in certain cities. (30-0) (30-0)

C.S.S.B. 875 (Zaffirini) Relating to the Sul Ross State University Uvalde Study Center. (30-0) (30-0)

S.B. 888 (Sibley) Relating to the amount of time certain signs may be erected near a rural road before an election. (30-0) (30-0)

S.B. 896 (Nelson) Relating to a vehicle left unattended on a controlled access highway. (30-0) (30-0)

S.B. 914 (Armbrister) Relating to disciplinary procedures for commissioned peace officers and other employees of the Texas Alcoholic Beverage Commission. (30-0) (30-0)

S.B. 934 (Zaffirini) Relating to the administration, powers, duties, and operation of the Starr County Hospital District of Starr County, Texas. (30-0) (30-0)

C.S.S.B. 944 (Moncrief on behalf of Harris) Relating to an exemption from certain testing and remedial coursework for a student with dyslexia or a

related disorder who enters a public institution of higher education. (30-0) (30-0)

C.S.S.B. 992 (Barrientos) Relating to the disapproval of a subdivision by a municipality. (30-0) (30-0)

S.B. 1013 (Gallegos) Relating to complaints against police officers and fire fighters. (30-0) (30-0)

C.S.S.B. 1098 (Zaffirini) Relating to consent for the immunization of a minor. (30-0) (30-0)

S.B. 1117 (Bivins) Relating to the refund of license and registration fees by the Department of Agriculture. (30-0) (30-0)

C.S.S.B. 1236 (Armbrister) Relating to the sale of beer within assigned territories. (30-0) (30-0)

S.B. 1241 (Haywood) Relating to the operation of the Muenster Hospital District. (30-0) (30-0)

C.S.S.B. 1320 (Barrientos) Relating to the Martin Luther King, Jr. statue fee at The University of Texas at Austin. (30-0) (30-0)

S.B. 1327 (Montford) Relating to the conveyance of certain real property by the Texas Department of Mental Health and Mental Retardation. (30-0) (30-0)

S.B. 1328 (Montford) Relating to the release of the state's reversionary interest in certain real property located in Howard County. (30-0) (30-0)

S.B. 1366 (Wentworth) Relating to delegation of duties of the tax assessor-collector and county clerk in certain circumstances. (30-0) (30-0)

S.B. 1367 (Wentworth) Relating to the manner of filling certain vacancies by members of a commissioners court of a county. (30-0) (30-0)

Senator Wentworth offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 1367** as follows:

In SECTION 1 of the bill, immediately after added Section 87.107, Local Government Code (page 3, lines 15-16, introduced bill), insert the following:

Sec. 87.108. TIME FOR FILLING VACANCY. Notwithstanding this subchapter, a vacancy in a county office that is to be filled by appointment by the county judge, the commissioners court of the county, or a county commissioner shall be filled not later than the 120th day after the date the vacancy occurs.

The committee amendment was read and was adopted by a viva voce vote.

S.B. 1371 (Wentworth) Relating to the authority of certain political subdivisions to contract for solid waste services. (30-0) (30-0)

S.B. 1414 (Moncrief on behalf of Harris) Relating to administrative hearings under the Alcoholic Beverage Code. (30-0) (30-0)

Senator Moncrief, on behalf of Senator Harris, offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 1414**, SECTION 1, Section 5.43, Subsection (a) (page 1, line 12, introduced version), by adding the following sentence after ".":
If the commission or administrator declares a hearing to be an emergency, the State Office of Administrative Hearings shall assign an administrative law judge or may contract with a qualified individual within 5 days and set a hearing as soon as possible.

Amend **S.B. 1414**, SECTION 1, Section 5.43, Subsection (a) by reinserting the language struck on lines 8 through 10 of page 1.

Amend **S.B. 1414**, SECTION 1, Section 5.43 (page 1, lines 13-19) by striking Subsection (b) and renumbering accordingly.

The committee amendment was read and was adopted by a viva voce vote.

(Senator Shapiro in Chair)

C.S.S.B. 1486 (Zaffirini) Relating to the creation of an immunization tracking registry and to reporting requirements concerning immunizations. (30-0) (30-0)

S.B. 1607 (Nelson) Relating to the creation, boundaries, purposes, powers, duties, functions, authority, and financing of the Southwest Denton County Road and Utility District. (30-0) (30-0)

**CONCLUSION OF SESSION FOR
LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer, Senator Shapiro in Chair, announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Truan, the Senate at 8:15 a.m. adjourned until 10:00 a.m. today.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

April 5, 1995

HEALTH AND HUMAN SERVICES — C.S.S.B. 519, S.B. 548
(Amended), **C.S.S.B. 1229, C.S.S.B. 1096**

CRIMINAL JUSTICE — C.S.S.B. 1049, C.S.S.B. 866

HEALTH AND HUMAN SERVICES — S.B. 805, S.C.R. 88

EDUCATION — S.B. 668, S.B. 1052 (Amended), C.S.S.B. 1154, S.B. 1281, C.S.S.B. 1298, S.B. 1299, H.B. 1157

INTERGOVERNMENTAL RELATIONS — C.S.S.B. 731, S.B. 861, S.B. 1067 (Amended), C.S.S.B. 1103, C.S.S.B. 1329, S.B. 1437, S.B. 1479, H.B. 305, S.B. 904

SIGNED BY GOVERNOR

(April 5, 1995)

S.B. 319 (Effective immediately)

FORTY-EIGHTH DAY

(Thursday, April 6, 1995)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Sims.

A quorum was announced present.

The Reverend Bill Laughlin, Associate Pastor, Westlake Bible Church, Austin, offered the invocation as follows:

Heavenly Father, we open today acknowledging Your wisdom and justice, Your mercy and compassion, Your graciousness and truth. The Senators assembled here come with a sense of both responsibility and fallibility. So we ask that Your wisdom might direct their thoughts, Your mercy might guide their hearts, and Your graciousness their dealings with one another, all with the purpose that their decisions might reflect the truth, Your truth. In the name of the Lord, Jesus Christ. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.